

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL NO. 3:00CV583-MU

UNITED STATES OF AMERICA	)	
	)	
v.	)	<b>DEFAULT JUDGMENT OF</b>
	)	<b>FORFEITURE AND</b>
APPROXIMATELY \$4,535,212.82	)	<b>DESTRUCTION ORDER</b>
SEIZED FROM 26 FINANCIAL	)	<b>AS TO NINE FIREARMS</b>
ACCOUNTS AND OTHER PROPERTY	)	
ASSOCIATED WITH BANYAN	)	
INTERNATIONAL	)	

THIS MATTER is before the Court on the government's motion under Fed. R. Civ. P. 55(b)(2) for a default judgment of forfeiture and for destruction of the defendant firearms.

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on November 29, 2000. This Court found probable cause for forfeiture and issued a warrant for arrest in rem.
2. Process was fully issued in this action and returned according to law. Pursuant to the warrant for arrest in rem, the government duly seized the defendant property. Service of process was made by publication of notice in The Mecklenburg Times on May, 4, 11, and 18, 2001.
3. With regard to the defendant firearms (together with related scopes and magazines), no person has filed a verified claim or an answer within the time allowed by law, and the Clerk has accordingly entered default.
4. Based on the affidavit of Postal Inspector Robert A. Ridgway, filed with the complaint, the government has shown probable cause to believe that the defendant firearms are proceeds of and/or were used or intended to be used to facilitate fraud and money laundering crimes, and that they are therefore subject to forfeiture under 18 U.S.C. §981.

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the government is entitled to a judgment of forfeiture by default against the defendant firearms.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The government's motion for default judgment of forfeiture is hereby granted.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title, or interest shall exist therein: nine firearms (together with related scopes and magazines) seized on or about March 21, 2000, in Charlotte, North Carolina.
3. The Marshals Service is hereby directed to destroy the forfeited firearms.

Signed: January 26, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

